

Reclamation Manual

Reclamation Acquisition Regulation System

401 DM Addition to FAR & DIAR

PART WBR 1401 -- RECLAMATION ACQUISITION REGULATIONS SYSTEM

WBR 1401

PART WBR 1401

RECLAMATION ACQUISITION REGULATIONS SYSTEM

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PART WBR 1401 RECLAMATION ACQUISITION REGULATIONS SYSTEM

SUBPART WBR 1401.3 -- AGENCY ACQUISITION REGULATIONS

WBR 1401.301 Policy.

(a) The Bureau of Reclamation implements and supplements the Federal Acquisition Regulation (FAR) and the Department of the Interior Acquisition Regulation (DIAR) through the Reclamation Acquisition Regulation (RAR) System.

(b) The RAR is issued pursuant to the authority delegated under Part 255, Chapter 3.1 of the Departmental Manual (255 DM 3.1) and the Reclamation Manual (RCD 03-01).

(c)(1) Except as provided in subparagraph (c)(2) below, all RAR revisions are issued for comment prior to issuance.

(2) When statutory implementation dates preclude sufficient time for comment, interim procedures shall be issued with a concurrent request for comments.

WBR 1401.303 Publication and codification.

WBR 1401.303-80 Arrangement of Reclamation acquisition regulations.

(a) *Numbering.* (1) RAR System issuances conform to the numbering conventions contained in FAR 1.105-2.

(2) Supplementary coverage for which there is no counterpart in the FAR or DIAR is identified using part, subpart, section, or subsection numbers of 80 and up (e.g., WBR 1401.303-80). Coverage which is unique to Reclamation (i.e., is not the result of a higher-level regulatory requirement) is identified by underlining the text, except for text in Part WBR 1452 and 1453.

(3) Solicitation provisions and contract clauses issued for local use (see 1401.304(b)) shall be identified in accordance with 1452.103-80.

(b) *Citations.* Pursuant to the DIAR, citations of issuances under the RAR use the prefix "WBR" followed by the number designated in accordance with paragraph (a) above.

WBR 1401.304 Agency control and compliance procedures.

(a) The BPC is responsible for --

(1) Development and maintenance of the RAR System;

(2) Ensuring that periodic reviews are conducted

of the RAR System to control and limit issuances and ensure compliance with FAR Part 1 and DIAR Part 1401.

(b) The CCO is responsible for issuance of any local procedures necessary to implement or supplement higher level acquisition issuances.

WBR 1401.370 Interior Acquisition Regulation Council.

The BPC is the Reclamation member of the Interior Acquisition Regulation Council (IARC).

SUBPART WBR 1401.4 -- DEVIATIONS FROM THE RAR

WBR 1401.480 Individual and class deviations from the RAR.

(a) The BPC is authorized to approve any deviations from the RAR.

(b) Requests shall be submitted by the CCO and shall include a justification for the deviation and the impact if it is not granted. For class deviations, the justification shall indicate an estimate of the contracting actions affected.

(c) The justification and the approval shall be included or referenced in each applicable contract file.

SUBPART WBR 1401.6 -- CAREER DEVELOPMENT, CONTRACTING AUTHORITY AND RESPONSIBILITIES

WBR 1401.601 General.

The Secretary's authority and responsibility to contract for supplies and services has been redelegated to the Assistant Secretary - Water and Science in Part 205, Chapter 11.1 of the Departmental Manual (205 DM 11.1). This authority has been further redelegated to the Commissioner in Part 255, Chapter 3.1H of the Departmental Manual (255 DM 3.1H). Pursuant to DIAR 1401.601(c) and Subpart 1402.1, the Director, Management Services, D-7000, is the HCA for Reclamation and may redelegate contracting authority in accordance with the procedures in WBR 1401.603.

WBR 1401.602 Contracting officers.

WBR 1401.602-1 Authority.

To comply with the information requirements of DIAR 1401.602-1 --

(a) AAMS shall maintain a database containing information on CO appointments; and

(b) The CCO shall ensure that records are maintained which identify --

(1) Each CO in the contracting office holding a

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permanent or interim certificate of appointment (certificate);

(2) The amount and limitation of the certificate; and

(3) The maintenance training obtained by each CO for each fiscal year.

WBR 1401.602-3 Ratification of unauthorized commitments.

(a) *Notification.* Upon receipt of information regarding an unauthorized commitment made by a Reclamation employee, the CCO shall --

(1) Confirm the commitment with the employee;

(2) Provide written notice of the action to the employee's supervisor, and any other party deemed appropriate; and

(3) Request that a statement of facts be prepared in accordance with paragraph (b) below.

(b) *Statement of facts.* (1) Upon receipt of a request under subparagraph (a)(3) above, the initiating office shall prepare a written statement of facts which shall be signed by the employee and the employee's supervisor. The statement shall include, as a minimum, the following information:

(i) The name, title, office location, and telephone number of the employee who made the unauthorized commitment;

(ii) A detailed summary which demonstrates compliance with FAR 1.602-3(c)(1) through (c)(3) and FAR 1.602-3(c)(6);

(iii) (A) A list of the acquisition sources solicited, if any, and the rationale for the source selected; or

(B) A justification for the absence of competition in accordance with FAR 13.601(a)(4);

(iv) Identification of any previous unauthorized commitments made by the employee;

(v) Action taken to prevent a recurrence of the commitment; and

(vi) A copy of all relevant documents and records pertaining to the commitment.

(2) The signed statement of facts shall be forwarded to the CCO for action under paragraph (c) below.

(c) *Contracting officer action.* Upon receipt of the statement of facts prepared in accordance with paragraph (b) above, the CCO shall be responsible for preparation of a determination and findings to support a ratification decision under paragraph (d) below.

(1) If ratification is recommended --

(i) A determination and findings shall be prepared to document full compliance with the limitations contained in FAR 1.602-3(c) and shall include --

(A) A determination of price reasonableness and payment;

(B) A statement as to whether the action proposed for ratification resulted from a CO exceeding the limitations specified in the CO's certificate of appointment; and

(C) Reasons for the CO exceeding the limitations, if applicable;

(ii) A bilateral contract document (or, if appropriate, a purchase order signed by both parties) shall be prepared and shall contain the following statement on the front page: "This action involves an unauthorized commitment which has been ratified pursuant to FAR 1.602-3;" and

(iii) Legal review of the documents in subparagraphs (c)(1)(i) and (c)(1)(ii) shall be obtained from the Office of the Solicitor for commitments in excess of \$1000 pursuant to DIAR 1401.602-3.

(2) If ratification is not recommended, a determination and findings shall be prepared to support such position. Advice shall be obtained from the Office of the Solicitor regarding possible resolution of the matter as a claim to the General Accounting Office under FAR 1.602-3(d).

(3) The determination and findings shall be prepared in accordance with subparagraph (c)(1) or (c)(2) above, signed by the CO and submitted for approval under paragraph (d) below. The statement of facts prescribed by subparagraph (b), and the contractual document prepared in accordance with subparagraph (c)(1)(ii) above shall also be submitted for approval.

(d) *Approvals.* (1) Except as provided in subparagraph (d)(2) below, CCO's are authorized to ratify unauthorized commitments pursuant to FAR 1.602-3(b)(2) and DIAR 1401.602-3. If a CCO does not hold a certificate of appointment to cover the commitment amount, the HCA shall approve the ratification.

(2) Unauthorized commitments which result from a CO exceeding the limitations of the certificate of appointment shall be ratified by the HCA. In reviewing the circumstances involving the commitment, the HCA shall determine what, if any, revisions shall be made to the certificate of appointment.

(e) *Payment.* (1) In cases where an invoice has been

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received for an unauthorized commitment which has not been approved under paragraph (d) above, the invoice shall be considered as an improper invoice and shall be returned within 7 calendar days with the notification required by FAR 32.905(e). The notification shall indicate that the invoice involves an unauthorized commitment requiring ratification and if ratified, a contract document (or purchase order) will be transmitted for signature and an invoice for payment may then be resubmitted.

(2) If the commitment is not ratified, advice shall be obtained from the Office of the Solicitor regarding notification for possible submission of a claim to the General Accounting Office under FAR 1.602-3(d).

WBR 1401.603 Selection, appointment, and termination of appointment.

WBR 1401.603-1 General.

(a) Pursuant to DIAR 1401.603-1, the BPC is authorized to appoint CO's and terminate their appointments in accordance with the Department of the Interior Contracting Officers' Warrant System (COWS) Manual. Requests for appointment, termination of appointment, or other information on the COWS shall be submitted to AAMS, D-7800, for action in accordance with WBR 1401.603-3.

(b) The Department of the Interior, Office of Acquisition and Property Management has granted a class deviation to the COWS limitation on the exception authority on Level I warrants for Reclamation engineers and technical managers who perform on-site contract administration functions at remote field locations and who are not classified in the GS-1102 occupational series. Reclamation personnel in such positions may be selected for appointment under this special authority which is subject to the following limitations:

(1) Nominees must have successfully completed at least 40-classroom hours of construction contract administration training;

(2) Nominations for appointment shall be submitted in accordance with WBR 1401.603-3;

(3) Authority is limited to execution of modifications to construction or construction-related equipment contracts which shall be in the form of --

(i) A forward-priced, bilateral change issued pursuant to the "Changes" clause which includes a complete equitable adjustment in an amount not exceeding \$10,000 in the aggregate;

(ii) A bilateral, complete equitable adjustment resulting from a change order issued pursuant to the "Changes" clause in an amount not exceeding \$10,000 in the aggregate;

(iii) A unilateral change order issued

pursuant to the "Changes" clause with a price limitation not exceeding \$10,000 in the aggregate; or

(iv) A bilateral modification (supplemental agreement) for extending contract delivery time up to 10 days provided the actual need for the extension has been demonstrated and the decision to grant the extension is fully documented in the contract file.

(c) If the CCO determines that an individual in an occupational series other than the GS-1102 series requires additional authority beyond the authority in subparagraph (b)(3) above to carry out Reclamation's mission, a request for a deviation shall be submitted to the HCA for Departmental approval under DIAR 1401.403. The request shall --

(1) Contain a justification fully supporting the need for the deviation (e.g., why the cognizant contracting office cannot furnish the necessary acquisition functions to support field operation needs); and

(2) Include the documentation required by WBR 1401.603-3 to comply with the standards contained in the COWS manual for the level of warrant requested.

WBR 1401.603-3 Appointment.

(a) *Nomination.* The CCO is responsible for nominating individuals, including individuals proposed under WBR 1401.603-1(b), for contracting officer appointments. As required by FAR 1.603-2, the nomination request shall document ability to comply with the standards contained in the COWS Manual; shall be submitted using the Contracting Officer Warrant Application Format (DI-1966); and shall document that the individual has signed an OF-333, Procurement Integrity Certification for Procurement Officials.

(b) *Interim certificates.* (1) Interim certificates of appointment may be issued for Level III and IV CO's only when necessary to carry out Reclamation's mission. Time-phased action plans for meeting the minimum requirements for obtaining a permanent certificate shall take into consideration the maximum time limitations listed in subparagraph (b)(2) below.

(2) Requests for interim certificates shall specify the desired effective period, which shall not exceed --

(i) Twelve months for a Level III certificate;

or

(ii) Eighteen months for a Level IV certificate.

(3) When an interim certificate is requested, the CCO is responsible for ensuring that --

(i) A time-phased action plan for meeting the minimum qualifications is prepared and

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submitted with the request for an interim appointment;

(ii) The training needed to qualify the individual for a permanent certificate is funded, scheduled, and accomplished in a timely manner; and

(iii) A fully documented request for converting an interim certificate to a permanent certificate is promptly submitted to AAMS when the minimum qualifications have been met.

(c) *Maintaining a certificate.*

(1) CO's who have been issued permanent certificates of appointment are required to complete additional training, as prescribed in the COWS Manual. The CCO is responsible for ensuring that the training needed for maintaining permanent certificates is completed in a timely manner.

(2) The CCO shall ensure that the performance appraisal made of each CO within the contracting office includes an evaluation of how well his or her CO duties were performed, as required by paragraph III.C of the COWS Manual.

WBR 1401.603-4 Termination.

(a) *Termination by the CCO.* (1) Pursuant to paragraph IV.C. of the COWS Manual, authority is redelegated to the CCO to terminate appointments for administrative reasons including -

- (i) Transfer of an individual to another Government agency;
- (ii) Retirement of an individual; or
- (iii) Voluntary separation of an individual.

(2) The CCO shall furnish a copy of each termination of appointment to AAMS, D-7800, for the updating of the records under WBR 1401.602-1(a).

(b) *Termination by the BPC.* Terminations other than those permitted by paragraph (a) above shall be made by the BPC pursuant to DIAR 1401.603-1 and paragraph IV.A. of the COWS Manual. The CCO shall provide prompt notification to the BPC whenever a CO appointment should be terminated. This requirement does not apply to appointments automatically terminated by expiration of an interim certificate (but see WBR 1401.603-3(b)(3)(iii)).

WBR 1401.670 Appointment and termination of appointment of contracting officers' representatives.

WBR 1401.670-2 Appointment.

(a) Level IV CO's authorized to appoint and terminate the appointment of --

- (1) CO' representatives (COR's); and

(2) Technical approval officers (TAO's), personnel who approve or disapprove drawings and other submittals delivered under a contract. Such appointments may be made by position rather than by designated individual without violation of DIAR 1401.670-1 since TAO's serve as aides to the COR.

(b) Appointments shall be made in accordance with the requirements of WBR 1401.670-80. A copy of the appointment memorandum shall be furnished to, and acknowledged by, the contractor as required by DIAR 1401.670-2(c). An additional copy of the appointment may be furnished to the COR's supervisor for information purposes.

WBR 1401.670-80 Appointment memoranda.

(a) For delegation of authority to a COR who holds a CO warrant, the contracting officer shall use a format substantially the same as the format illustrated in WBR 1453.303-1401-1, Contracting Officer's Representative (With Warrant) Memorandum.

(b) For delegation of authority to a COR who does not hold a warrant, the CO shall use a format substantially the same as the format illustrated in WBR 1453.303-1401-2, Contracting Officer's Representative (Without Warrant) Memorandum.

(c) The CO shall appoint TAO's using a format substantially the same as the format illustrated in WBR 1453.303-1401-3, Technical Approval Officer's Memorandum.

WBR 1401.670-81 Reclamation contract clause.

The CO shall insert the clause at WBR 1452.201-80, Authorities and Limitations -- Bureau of Reclamation in all solicitations and contracts.

SUBPART WBR 1401.70 -- ACQUISITION INITIATION

WBR 1401.7000 General.

(a) Department of the Interior Form DI-1, Requisition, or electronic equivalent, shall be used for initiating acquisition transactions by acquisition offices. Reclamation form 7-702, Requisition, may continue to be used until IDEAS is implemented.

(b) In accordance with the Reclamation Purchase Card Handbook, acquisitions made by individuals located outside of acquisition offices do not require a requisition. In lieu of a requisition, cardholders are required to maintain an acquisitions log.

WBR 1401.7002 Responsibilities.

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WBR 1401.7102-80

(a) *Property and Offices Services (POS)*. POS, Reclamation Service Center, (D-7900), is responsible for developing policies and procedures for use and preparation of requisitions under RI Subpart 114S-25.70.

(b) *Approval officials*. RI 362.2 designates approving officials for requisitions by organizational positions. Approval authority may be redelegated by an approval official in writing without further redelegation. Copies of delegations shall be sent to POS, D-7900, as required by RI 114S-25.7004(c).

(c) *Property officer*. Pursuant to RI 114S-25.7006(a), after a requisition has been approved the responsible property officer shall verify the signature of the approving official and screen the request against stock inventory and other Government sources of supply required by FAR Part 8.

(d) *Budget officer*. After a requisition has been verified by the property officer, it shall be forwarded to the responsible budget officer who shall certify that funds have been reserved and remain available for the acquisition. The certification shall be documented by the signature of the budget officer on the requisition (or other locally-developed form) in accordance with RI 114S-25.7006(b). Blanket certification procedures for small dollar value transactions may be established by the budget office.

WBR 1401.7100 Scope of section.

This section contains criteria for legal review of acquisition actions as required by DIAR 1401.7101-1.

WBR 1401.7101 Legal review by Office of the Solicitor.

(a) Pursuant to Reclamation's agreement with the Office of the Solicitor, prior legal review of the following actions shall be obtained:

- (1) Sealed bid solicitations where the contract is expected to exceed \$500,000;
- (2) Competitive proposal solicitations and contract awards where the contract is expected to exceed \$100,000;
- (3) Solicitations and contract awards awarded pursuant to FAR Part 6 (including section 8(a)) where the contract is expected to exceed \$100,000;
- (4) Contract modifications in excess of \$100,000;
- (5) Apparent or suspected irregularities in precontract documents or unusual circumstances that might affect the legality of a proposed action;
- (6) Novation or change of name agreements or notice of assignment actions;
- (7) Bid protest reports; mistake in bid

administrative determinations; or determinations of nonresponsibility; and

(8) Final decisions under the Disputes clause; cure notices, show cause letters, suspension of work notices, notices of termination, or other notices which may have significant legal impact.

(b) Review of actions not included in paragraph (a) above may be requested by the CO when necessary, or as otherwise agreed upon with the servicing Office of the Solicitor.

(c) Review of actions included in this section shall be requested in sufficient time in advance of taking the action. Five working days (exclusive of mailing/transmittal of documents) is established as the normal lead time for review, but this time may be changed by agreement between the attorney-advisor and the contract specialist, as determined necessary in a given circumstance.

WBR 1401.7102 Acquisition and assistance management reviews (AAMR's).

WBR 1401.7102-80 Scope of section.

This section prescribes general policies and procedures for the conduct of onsite acquisition and assistance management reviews (AAMR's) at Reclamation contracting offices and other offices executing and administering financial assistance actions.

WBR 1401.7102-81 Policy.

Pursuant to DIAR 1401.7102, an onsite AAMR of each contracting office and field or other office described under WBR 1401.7102-82(b) shall be conducted on a 4-year cycle, or a lesser period of time for contracting offices, as determined under WBR 1401.7102-83(a). Reviews shall be conducted in accordance with the procedures prescribed in the Department of the Interior Acquisition Management Review (AMR) Handbook.

WBR 1401.7102-82 Responsibility.

(a) *Acquisition and Assistance Management Services (AAMS)*. AAMS, D-7800 is responsible for conducting AAMR's of Reclamation's major acquisition offices.

(b) *Head of the Contracting Office (HCO)*. Each HCO is responsible for ensuring that AAMR's are conducted at each office within their organization -

- (1) Performing contract administration or small purchase functions; or
- (2) Exercising delegated purchasing or contracting authority in accordance with Subpart WBR 1401.6.

WBR 1401.7102-83 Scheduling of AAMR's.

(a) *Requirements*.

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(1) AAMR's shall be scheduled for each office as prescribed in WBR 1401.7102-81.

(2) Reviews of an office may be scheduled on a more frequent basis when previous AAMR reports have indicated significant concerns exist which require corrective action.

(b) *Review schedule.* HCO's shall establish and distribute to affected offices, a tentative schedule of the AAMR's to be conducted during each fiscal year. A copy of the AAMR schedule shall be provided to the HCA by December 1 of each year.

WBR 1401.7102-84 Subject areas to be reviewed.

(a) The subject areas to be reviewed in AAMR's, if applicable to the activity, shall include --

- (1) Subjects prescribed in the AMR Handbook; and
- (2) Construction contract administration; and
- (3) Award and administration of financial assistance actions.

(b) The extent of review shall be directly related to the nature of the operations conducted at the office being reviewed.

WBR 1401.7102-85 AAMR reports.

Reports shall be prepared and submitted in accordance with the procedures stated in the AMR Handbook. A copy of the final report and implementation plans resulting from the AAMR shall be submitted by each reporting office to AAMS, D-7800. Until all planned corrective actions have been implemented, a quarterly status report due on the last day of January, April, July, and October shall be submitted to AAMS. An information copy of each final AAMR report issued by the HCO shall be furnished to the AAMS, when the report is sent to the office reviewed.

WBR 1401.7180 Prior review or approval by the Head of the Contracting Activity (HCA).

This section prescribes policies and procedures for obtaining --

- (a) Approvals by the HCA; and
- (b) Reviews by the HCA prior to submission to other offices for approval (e.g., Department of the Interior).

WBR 1401.7180-1 Stage of review or approval.

All other reviews or approvals, (e.g., independent reviews, legal sufficiency reviews) shall be obtained prior to any submittal to the HCA.

WBR 1401.7180-2 (Reserved).**WBR 1401.7180-3 Information required for review or****approval.**

(a) *Transmittal memoranda.* The memorandum transmitting the request for review or approval shall identify the action, the supporting documents provided, and any special circumstances relating to the action which need to be taken into consideration.

(b) *Documents.* Submission of requests for review or approval shall contain the documents or information required by the regulation prescribing the review or approval. Any proprietary information or source selection information to be submitted shall be marked and protected in accordance with FAR 3.104-5.

WBR 1401.7180-4 Review or approval process.

(a) Requests for review or approval by the HCA shall be addressed to Director, Management Services, Attention: D-7800.

(b) Upon completion of the approval process, the initiating office will be informed by the HCA, in writing, of final approval or disapproval of the action.

WBR 1401.7181 Prior approval by Acquisition and Assistance Management Services (AAMS).

As required by DIAR 1401.7101-4, this section prescribes policies and procedures for review and approval of significant acquisition actions by AAMS, D-7800, in order to ensure that --

- (a) Sound business practices are being used;
- (b) Actions are in compliance with applicable laws; executive orders; and acquisition regulations;
- (c) Actions serve the Government's best interest; and
- (d) Actions meet the requirements of --
 - (1) OMB Circular A-123, Management Accountability and Control; and
 - (2) Executive Order 12931, Federal Procurement Reform.

WBR 1401.7181-1 Stage of approval.

(a) Written requests for review shall be transmitted, and approval obtained, prior to taking any of the actions listed in WBR 1401.7181-2(b).

(b)(1) For expediency, legal sufficiency reviews may be requested concurrently with requests for approval under paragraph (a) above.

(2) All other reviews or approvals (e.g., independent reviews) which are required shall be obtained prior to request for AAMS approval.

WBR 1401.7181-2 Actions requiring approval.

(a) *Dollar amounts.* For purposes of approval under this subsection, the dollar amount of an action shall include

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(1) All option amounts;

(2) For requirements contracts, the estimated total contract amount corresponding to the total quantity required by FAR 16.503(a)(1); and

(3) For indefinite-delivery contracts, the total amount which corresponds with the stated maximum quantity required by FAR 16.504(a)(1).

(b) *Approval requirements.* Except for contracts awarded under FAR Part 12 or FAR Part 14 procedures, the following actions require prior AAMS approval --

(1) For contracts to be awarded pursuant to FAR Subpart 6.1, 6.2, or 6.3, entering into negotiations when the prenegotiation objective exceeds \$500,000;

(2) For construction contracts (see 25 CFR 900.110) awarded pursuant to the Indian Self-Determination and Education Assistance Act, as amended, 25 U.S.C. 450 et seq., entering into negotiations when the prenegotiation objective for a contract exceeds \$500,000 (for other than construction transactions with Indian Tribes requiring approval, see RM ACM 01-01 of the Reclamation Manual); or

(3) For contract modifications, entering into negotiations when the prenegotiation objective will result in an increase or decrease in the contract by an amount expected to exceed \$500,000.

(4) For prenegotiation objectives approved in subparagraphs (b)(1) through (b)(3) of this section, executing the action when the negotiated amount exceeds the approved objective by more than 15 percent.

WBR 1401.7181-3 Information required for approval.

(a) *General.* Requests for approval shall include, as a minimum, the information set forth in this subsection, if pertinent to the action, and shall be forwarded to the AAMS in sufficient time to allow at least five working days from receipt for review and approval.

(b) *Transmittal memoranda.* The memorandum transmitting the request for approval shall identify the action submitted, the supporting documents provided, and any peculiar or extraordinary circumstances relating to the action which needs to be taken into consideration.

(c) *Documents.* (1) Documents submitted for review will be retained by the AAMS for record purposes.

(2) Any proprietary information or source selection information shall be marked and protected in accordance with FAR 3.104-5.

(3) The following documents, if pertinent to the action, shall be submitted with the request for approval:

(i) Justification for other than full and open competition.

(ii) Undefinitized modification.

(iii) Solicitation with all amendments and record of any independent review.

(iv) Government cost estimate.

(v) Option justification.

(vi) Proposal or claim.

(vii) Proposal evaluation reports (e.g., technical evaluation, technical analysis; cost and/or price analysis).

(viii) Audit or waiver.

(ix) Fair market price estimate for Section 8(a) contract awards under FAR Subpart 19.8.

(x) Determination of competitive range.

(xi) Calculation of profit/fee objectives.

(xii) Prenegotiation memorandum and any record of independent review.

(xiii) Proposed modification.

WBR 1401.7181-4 Approval process.

(a) Upon completion of the review process, the initiating office will be informed by AAMS, in writing, of approval or disapproval of the action.

(b) If AAMS gives conditional approval, requiring the CO to take corrective action within a specified period of time, the CCO shall ensure that corrective actions are accomplished within the time prescribed.

WBR 1401.7182 Independent review at the contracting office.

In accordance with DIAR 1401.7101-4, this section prescribes policies and procedures for independent review of a representative sample of proposed acquisition actions.

WBR 1401.7182-1 Requirements.

(a) *Authority.* In order to provide maximum flexibility, the CCO is authorized to establish written procedures for independent reviews. Copies of the written procedures and any subsequent modifications shall be furnished to AAMS, D-7800, for approval.

(b) *Content.* Procedures for independent review shall, as a minimum, include the following policies:

(1) The requirement for the review to be performed prior to taking a specified action.

(2) The requirement for a representative sample of all acquisition actions to be reviewed (including dollar thresholds, stage of review, and types of contract actions).

(3) Review procedures when an action is both prepared and signed by the same CO.

(4) Designation of an individual independent reviewer, an independent review board, or a

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combination thereof, to perform the review. When the independent review is conducted by an individual, the reviewer shall be an acquisition professional. When the independent review is conducted by a Board, at least one member shall be an acquisition professional.

(5) Individual reviewer (or review board member) procedures that require the individual reviewer be other than the preparer of the acquisition action.

(c) *Forms.*

(1) *General.* The independent review shall be documented using a format substantially the same as the Record of Independent Review format (illustrated in WBR 1453.303-1401-5).

(2) *Procedures for use.*

(i) *Independent reviewer action.* The form shall be signed and dated by the reviewer and returned with the action file to the preparer.

(ii) *Preparer action.* The preparer shall review the recommendations, annotate the review form with a response to each recommendation including concurrence or non-concurrence and the basis therefor, and comply with the concurred recommendations. If the preparer does not concur with a recommendation, the review form and the proposed action file shall be forwarded to the contracting officer for disposition under subparagraph (c)(2)(iii).

(iii) *Contracting officer action.* The CO shall review the recommendations made by the reviewer and the preparer's response(s), and resolve any disagreements.

(iv) *Record of independent review.* The annotated review form including documentation of the resolution of any disagreements pursuant to subparagraph (c)(2)(iii) shall be made a part of the contract file. A copy of the form shall be returned to the reviewer.

WBR 1401.7183 Distribution of informational copies.

An informational copy of each of the following acquisition documents shall be forwarded to AAMS, D-7800:

(a) AAMR reports submitted pursuant to WBR 1401.7102-85;

(b) Audit report responses submitted pursuant to WBR 1401.7184-3;

(c) BUDS appointments submitted pursuant to WBR 1419.201;

(d) Approved subcontracting plans submitted under FAR 19.702 or the determination required by FAR 19.705-2(c). (See WBR 1419.705-2(b));

(e) Protest reports submitted pursuant to WBR 1433.104;

(f) Construction contractor performance evaluation reports (SF 1420). (See DIAR 1436.201(c)); and

(g) Architect-engineer performance evaluation reports (SF 1421). (See DIAR 1436.604(c)).

WBR 1401.7184 Internal and external audits.

WBR 1401.7184-1 Policy.

This section prescribes policies and procedures for compliance with audit management guidelines established by the Deputy Commissioner, Denver Office (D-1000), pursuant to the requirements of Part 360, Departmental Manual, Chapters 1-6, and Part 361, Departmental Manual, Chapters 1 and 2 (360 DM 1-6 and 361 DM 1 and 2).

WBR 1401.7184-2 Definitions.

(a) "Internal audit," as used in this section, means an audit of a Reclamation acquisition program, function, or activity.

(b) "External audit," as used in this section, means a preaward audit, an equitable adjustment proposal audit, an audit of a claim, a final indirect cost proposal audit, or a termination settlement proposal audit of a Reclamation contractor or lessee.

WBR 1401.7184-3 Responses to audit reports.

(a) Internal audits.

(1) Responsibility. The Program Analysis Office (PAO), (D-5000), will assign the lead responsibility for responding to an internal audit report and provide any additional instructions which may be necessary.

(2) Response dates. Responses to draft and final audit reports are due to D-5000 on the date assigned in the transmittal memorandum.

(3) Content. Responses to final audit reports shall contain the information required by 360 DM 5.3F for each finding and recommendation. Any response to a recommendation which will impact Reclamation's acquisition policies or procedures shall first be coordinated with the AAMS, (D-7800).

(b) External audits.

(1) Response dates. Responses to external audit reports are due within 90 days after the date of the report unless another date is requested in the report transmittal memorandum. If final action cannot be completed by the requested response date, the contracting officer shall furnish a written status report to the cognizant Office of Inspector General organizational element specified in the transmittal

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memorandum. A copy of the status report shall also be sent to the AAMS, (D-7800). Unresolved questions regarding a recommendation shall be processed in accordance with DIAR 1415.805-5(c).

(2) Content. Pursuant to FAR 15.808(a)(8) and DIAR 1415.808(c)(7), the price negotiation memorandum required or, if applicable, the settlement negotiation memorandum (see FAR 49.110(a)), shall discuss disposition of each recommendation (including any reasons for variances from the recommendation) made in a field pricing report requested under --

(i) FAR 15.805-5 for a preaward audit, an equitable adjustment proposal audit, or an audit of a contractor claim;

(ii) FAR 42.705 for a final indirect cost proposal audit; or

(iii) FAR 49.107 for a termination settlement proposal audit of a Reclamation contractor or lessee.

(3) Distribution.

(i) As required by FAR 15.808(b), a copy of each approved price negotiation memorandum (WBR 1415.808), contracting officer's final decision (DIAR 1433.211), or termination settlement negotiation memorandum (WBR 1449.110), involving audit recommendations in subparagraph (b)(2) above shall be sent to the cognizant audit office with a copy forwarded to --

(A) The Office of the Inspector General, Director of Audit Followup and Quality Assurance; and

(B) The AAMS, (D-7800).

(ii) Additional guidance on distribution is provided in 360 DM 5.3G.

Inspector General to the Departmental Audit Coordination Official for resolution when the audit response has not been received within 120 days. To meet the information requirements of 361 DM 1.5C(4) and (5), followup reports on referred audit reports shall be in the format illustrated in WBR 1453.303-1401-4, Status of Audit Requests/Claims Settlement, and submitted to the AAMS, (D-7800), for submission to the ALO by the last day of each fiscal year quarter.

WBR 1401.7184-4 Followups to audit reports.

(a) Policy. Policies and procedures for audit followups are contained in 361 DM 1 and 2.

(b) Responsibility. D-5000 serves as the Audit Liaison Officer (ALO) for Reclamation and is the single point of contact for all activities pertaining to audit followup.

(c) Internal audits. (1) Status reports on resolved audit recommendations shall be submitted to D-5000 on a quarterly basis in accordance with instructions provided by D-5000.

(2) Unresolved audit recommendations are referred by the Office of the Inspector General to the Departmental Audit Coordination Official for resolution in accordance with the procedures in chapter 361 DM 1.5D(1).

(d) External audits. External audit reports, except those for preaward audits, are referred by the Office of the